



December 15, 2017

VIA HAND DELIVERY, ECFS, AND ELECTRONIC MAIL

Mr. Eliot Greenwald
Disability Rights Office
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Email to TRSreports@fcc.gov and Eliot.Greenwald@fcc.gov

**Re: REQUEST FOR CONFIDENTIAL TREATMENT
ClearCaptions, LLC Section 64.606(g) Annual Report
CG Docket No. 03-123**

Dear Ms. Dortch:

ClearCaptions, LLC (“ClearCaptions”), pursuant to Sections 0.457 and 0.459 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, respectfully requests confidential treatment of certain information contained in the enclosed Annual Report pursuant to Section 64.606(g) of the Commission’s rules.

An original and one copy of ClearCaptions’ Annual Report in confidential form and an original and one copy of the redacted version of the Annual Report is being submitted to the Office of the Secretary.¹ ClearCaptions is also filing an electronic copy of the redacted version in ECFS. Confidential versions will also be transmitted to the Commission staff.

ClearCaptions requests confidential treatment of all information contained after the heading *****BEGIN CONFIDENTIAL***** and before the close heading *****END CONFIDENTIAL*****. As described below, all material contained inside those headings is proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is subject to Exemption 4 under the Freedom of Information Act (FOIA).² The confidential information has been redacted from the version electronically filed with the Commission.

1. Identification of the specific information for which confidential treatment is sought.

ClearCaptions requests confidential treatment of all information contained after the heading *****BEGIN CONFIDENTIAL***** and before the close heading *****END CONFIDENTIAL*****. All of the information designated as confidential information is proprietary commercial and business information that is not customarily disclosed to the public

¹ See 47 C.F.R. § 1.51.

² 5 U.S.C. § 552(b)(4).



or within the industry and is confidential commercial information under Exemption 4 of the FOIA.³

2. Identification of the Commission proceeding in which the information is submitted or a description of the circumstances giving rise to the submission.

ClearCaptions is providing this information in connection with its annual reporting obligation in accordance with Section 64.606(g) of the Commission's rules.

3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.

The confidential information in the enclosed Annual Report is sensitive commercial information specific to the internal operations and structure of ClearCaptions, disclosure of which would cause harm to ClearCaptions. This information is generally safeguarded from competitors and is not made available to the public.

4. Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information concerns Internet Protocol captioned telephone service, a nationwide competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the confidential information could cause substantial competitive harm to ClearCaptions, because it would provide competitors insight into confidential operational and structural information that would not otherwise be available, disclosure of which would work to ClearCaptions' severe competitive disadvantage.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

ClearCaptions routinely treats the subject information as confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

ClearCaptions does not make the confidential information available to the public, and this information has not been previously disclosed to third parties, except where required by the

³ 5 U.S.C. § 552(b)(4).



Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.

ClearCaptions requests that the confidential information be treated as confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to ClearCaptions.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

The confidential information contains proprietary commercial information that ClearCaptions will safeguard as necessary.

Should you have any questions concerning the foregoing request, please contact the undersigned.

Respectfully submitted,

/s/ Michael Strecker

Michael Strecker

Vice President of Regulatory and
Strategic Policy

ClearCaptions, LLC

3001 Lava Ridge Court

Suite 100

Roseville, CA 95661

(916) 274-8429

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REDACTED – FOR PUBLIC INSPECTION

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**Re: ClearCaptions, LLC Section 64.606(g) Annual Report
CG Docket No. 03-123**

Dear Mr. Greenwald:

Pursuant to Section 64.606(g) of the rules of the Federal Communications Commission (“FCC” or “Commission”), ClearCaptions, LLC (“ClearCaptions”) submits its Annual Report demonstrating compliance with the mandatory minimum standards established for Internet-based TRS providers under Section 64.604 of the Commission’s rules and containing the information required by Section 64.606.¹

I. Update to Section 64.606(a)(2) of the Commission’s Rules

In accordance with Section 64.606(g)(1), this Annual Report updates where necessary information and documentation contained in ClearCaptions’ Internet-Based TRS Certification Application submitted on April 28, 2016, the information and documentation contained in ClearCaptions’ Amendment to Internet-Based TRS Certification Application submitted on March 15, 2017, and the information and documentation contained in ClearCaptions’ Second Amendment to Internet-Based TRS Certification Application submitted on December 12, 2017.² Where no update is provided, ClearCaptions certifies that there are no changes to the information and documentation submitted in ClearCaptions’ Certification Application, ClearCaptions’ Amendment to Application, and ClearCaptions’ Second Amendment to Application as detailed below.

¹ See 47 C.F.R. §§ 64.604, 64.606.

² *ClearCaptions, LLC, Internet-Based TRS Certification Application*, CG Docket No. 03-123 (filed Apr. 18, 2016) (“ClearCaptions’ Certification Application”), *ClearCaptions, LLC, Amendment To Internet-Based TRS Certification Application*, CG Docket No. 03-123 (filed Mar. 15, 2017) (“ClearCaptions’ Amendment to Application”), *ClearCaptions, LLC, Second Amendment To Internet-Based TRS Certification Application*, CG No. Docket 03-123 (filed Dec. 12, 2017) (“ClearCaptions’ Second Amendment to Application”); *see also* 47 C.F.R. § 64.606(g)(1).

- (i) A description of the forms of Internet-based TRS to be provided;
(47 C.F.R. § 64.606(a)(2)(i))**

ClearCaptions provides Internet Protocol captioned telephone service ("IP CTS").³

- (ii) A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered;
(47 C.F.R. § 64.606(a)(2)(ii))**

ClearCaptions certifies that there are no changes to the description as to how ClearCaptions will meet all non-waived mandatory minimum standards provided in Section III of ClearCaptions' Certification Application for IP CTS and from those listed in ClearCaptions' Amendment to Application and ClearCaptions' Second Amendment to Application.

- (B) For all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company); (47 C.F.R. § 64.606(a)(2)(ii)(B))**

This information is provided in Exhibit A.

- (C) For all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities; (47 C.F.R. § 64.606(a)(2)(ii)(C))**

This information is provided in Exhibit B.

- (D) For all applicants, copies of employment agreements for all of the provider's employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be**

³ *Notice of Conditional Grant of Application of Purple Communications, Inc. for Recertification as a Provider of Video Relay and Internet Protocol Relay Service Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, DA 12-4, CG Docket No. 10-51, 27 FCC Rcd 112 (Jan. 4, 2012); *Notice of Conditional Certification for Purple Communications, Inc. to provide Internet Protocol Captioned Telephone Relay Service*, Public Notice, DA 15-1627, CG Docket No. 10-51, 29 FCC Rcd 13728 (Nov. 7, 2014); *Notice Transfer of IP CTS Certification from Purple Communications, Inc. to ClearCaptions, LLC*, CG Docket Nos. 10-51, 03-123, Letter (Dec. 29, 2016).

retained by the applicant for five years from the date of application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(D))

ClearCaptions retains copies of employment agreements as required and will submit the same to the Commission upon request.

- (E) For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(E))**

This information is provided in Exhibit C.

- (F) In the case of applicants to provide IP CTS or IP CTS providers, a description of measures taken by such applicants or providers to ensure that they do not and will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the registration and certification requirements in §64.604(c)(9), and an explanation of how these measures provide such assurance; (47 C.F.R. § 64.606(a)(2)(ii)(F))**

ClearCaptions certifies that there are no changes to the registration and certification information provided in Section X of ClearCaptions' Certification Application.

- (iii) A description of the provider's complaint procedures; (47 C.F.R. § 64.606(a)(2)(iii))**

*****BEGIN CONFIDENTIAL*****

*****END CONFIDENTIAL*****

- (iv) A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. (§ 64.606(a)(2)(iv))**

ClearCaptions states that it will file annual compliance reports demonstrating continued compliance with the Commission's rules governing Telecommunications Relay Service and containing the information required by Section 64.606(g) of the Commission's rules.

II. CPNI Certification and Statement (47 C.F.R. § 64.5109(e))

ClearCaptions attaches here as Exhibit 1 ClearCaptions Annual CPNI Certification and Statement.

III. Certification (47 C.F.R. §§ 64.606(g)(2), see also 47 C.F.R. 64.606(a)(2)(v))

I swear under penalty of perjury that I am Bob Rae, President and CEO, an officer of the above-named reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and curves, positioned above a horizontal line.

Bob Rae
CEO & President
ClearCaptions, LLC
3001 Lava Ridge Court
Suite 100
Roseville, CA 95661

Dated: December 15, 2017

Exhibits

Exhibit A

Corporate Stakeholders, Structure, and Officers and Organizational Structure

ClearCaptions LLC is a limited liability company. ClearCaptions LLC is owned by multiple funds, all of which are controlled by Reservoir Capital Partners, L.P.⁴ Reservoir Capital Partners, L.P. is a Managing Member of Reservoir VRS-CC SPV, LLC.

The executives and officers of ClearCaptions, LLC are as follows:

- Bob Rae, Chief Executive Officer
- John Kelleher, Chief Financial Officer
- Gordon L. Ellis, Vice President of Sales
- Rita Beier Braman, Vice President of Text Operations and National Quality Assurance
- Blaine Reeve, Chief Technology Officer and Chief Information Officer
- Michael Strecker, Vice President of Regulatory & Strategic Policy
- Monique Dirstine, Director of Human Resources

ClearCaptions, LLC's has the following Board of Managers:

- AJ Brohinsky
- Craig Huff
- Gregg Zeitlin
- Eric Engler

⁴ See *ClearCaptions, LLC, Notification of Non-Substantive Change to ClearCaptions' Ownership Structure*, CG Docket Nos. 10-51 & 03-123 (Mar. 9, 2017); see also *ClearCaptions, LLC, Notification of Non-Substantive Change to ClearCaptions' Ownership Structure*, CG Docket Nos. 10-51 & 03-123 (Oct. 11, 2017).

Exhibit B

Employee Lists

Number of ClearCaptions LLC IP CTS Employees

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*****END CONFIDENTIAL*****

Exhibit C

Sponsorship Lists

*****BEGIN CONFIDENTIAL*****

*****END CONFIDENTIAL*****

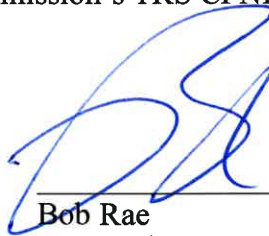
Exhibit 1

CPNI Certification and Statement

2017 Annual TRS CPNI Certification: 47 C.F.R. § 64.5109

I, Bob Rae, certify that I am an officer of ClearCaptions, LLC (the “Company”), and I have personal knowledge that since December 16, 2016 the Company has established operating procedures that are adequate to ensure compliance with the Commission’s TRS CPNI Rules (see 47 C.F.R. §64.5101 *et seq.*).

Attached to this certification is an accompanying statement that explains how the Company’s operating procedures ensure that it is in compliance with the Commission’s TRS CPNI Rules. The statement includes an explanation from December 16, 2016 and following of any actions taken against data brokers, a summary of all customer complaints received concerning the unauthorized release of CPNI, and a report detailing all instances where the TRS provider, or its agents, contractors, or subcontractors, used, disclosed, or permitted access to CPNI without complying with the procedures specified in Commission’s TRS CPNI Rules.



Bob Rae
CEO & President
ClearCaptions, LLC
3001 Lava Ridge Court
Suite 100
Roseville, CA 95661

Dated: December 15, 2017

2017 Annual TRS CPNI Compliance Statement: 47 C.F.R. § 64.5109

*****BEGIN CONFIDENTIAL*****

*****END CONFIDENTIAL*****